

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

MISSISSIPPI RURAL WATER  
ASSOCIATION, INC.

PLAINTIFF

v.

CIVIL ACTION NO. 3:14cv848-DPJ-FKB

MISSISSIPPI PUBLIC SERVICE  
COMMISSION, et al.

DEFENDANTS

FINAL JUDGMENT

This case is before the Court on Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction Pursuant to Rule 65(a) and (b) [9] and Defendants' Motion to Dismiss [13]. For the reasons stated on the record at the January 9, 2015 hearing on the matter:

- (1) the Eleventh Amendment to the United States Constitution bars the state-law claims, claims for compensatory damages, and all claims against the Mississippi Public Service Commission, so those claims are dismissed without prejudice;
- (2) the Court declines to abstain under *Railroad Commission v. Pullman*, 312 U.S. 496 (1941), for lack of a significant federal constitutional question;
- (3) Plaintiff has not met its burden of showing a substantial likelihood of success or irreparable harm and the final two factors for injunctive relief are at best neutral, so Plaintiff's motion [9] is denied; and
- (4) because 7 U.S.C. § 1926(b) does not, as a matter of law, conflict with Rule 9.135, Defendants' motion to dismiss [13] is granted.

IT IS THEREFORE ORDERED that the state-law claims, claims for compensatory damages, and all claims against the Mississippi Public Service Commission are hereby dismissed without prejudice, and the remaining claims are dismissed with prejudice.

**SO ORDERED AND ADJUDGED** this the 12<sup>th</sup> day of January, 2015.

s/ Daniel P. Jordan III  
UNITED STATES DISTRICT JUDGE